

## Appeal Decision

Site visit made on 27 February 2017

**by Jonathan Price BA(Hons) DMS DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 27<sup>th</sup> March 2017**

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**Appeal Ref: APP/C5690/W/16/3159274**

**61 Waldram Park Road, Forest Hill, London SE23 2PW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development)(England) Order 2015 (GPDO).
  - The appeal is made by Mr Mark Crudgington against the decision of the Council of the London Borough of Lewisham.
  - The application Ref DC/16/096622, dated 25 April 2016, was refused by notice dated 6 July 2016.
  - The development proposed is change under prior approval from A2 to C3 in the form of one flat, not in flood zone, PTAL rating 4 on 'A' road, no previous or future contamination.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. Whether the proposal complies with the relevant limitations and restrictions set out in the GDPO and so would be permitted development if prior approval were to be granted.

### Reasons

3. Class M(a)(i) of Schedule 2, Part 3 of the GDPO permits development consisting of use of a building from a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of that Schedule. Paragraph M(b) permits building operations reasonably necessary to convert the building referred to in M(a)(i) to a use falling within Class C3 (dwellinghouses) of that Schedule. Paragraph M.1 then sets out where such development is not permitted by Class M and Paragraph M.2 makes the development conditional upon prior approval from the local planning authority.
  4. This application for prior approval had been refused by the Council as being not permitted under Class M due to the limitation set out in paragraph M.1(d). Under this paragraph development is not permitted by Class M if the development (together with any previous development under Class M) would result in more than 150 square metres (m<sup>2</sup>) of floor space in the building having changed use under Class M.
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5. The proposal relates to premises previously used as an estate agent's office. The proposal relates to what appear to be two original shop frontages which face the corner of Sunderland Road and Waldram Park Road. The premises were closed at the time of my visit but my inspection would confirm the Council's view that the use was currently retail.
6. The issue is one of floorspace and had I been able to inspect inside the premises I would have not carried out any measurements myself and my decision would remain based on an assessment of the evidence provided by both parties. From the plan submitted the Council has estimated that the retail floorspace in this proposal amounts to 163.7 m<sup>2</sup>. The appellant states that his careful measurements have calculated a floorspace of 148 m<sup>2</sup>.
7. However, the very basic hand-drawn plans submitted with the application, and the site plan submitted with the appeal, provide no reasonable basis for me to conclude that the proposal would result in less than 150 m<sup>2</sup> of floor space necessary to benefit from the permitted development right. The Council's statement refers to a request made for higher quality scaled drawings which have not been supplied with this appeal.

### **Conclusion**

8. There is inadequate information to establish that the proposal is development permitted under Class M(a)(i) of Schedule 2, Part 3 of the GDPO. For this reason I conclude that the appeal should be dismissed.

*Jonathan Price*

INSPECTOR